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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,765	07/25/2000	Walid M. Ahmed	2925-0484P	7384
30594	7590	07/06/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			RYMAN, DANIEL J	
P.O. BOX 8910			ART UNIT	PAPER NUMBER
RESTON, VA 20195			2665	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/624,765

Applicant(s)

AHMED ET AL.

Examiner

Daniel J. Ryman

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

ALPUS H. HSU
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant asserts that Chheda does not disclose "apply[ing] a rules set to the soft handoff information at a base station . . . the rules set requiring more stringent conditions be met to add a base station" since Chheda "uses differences in pilot signal strength to set a threshold, rather than a rule set requiring more stringent conditions." Examiner, respectfully, disagrees. Chheda compares the differences in pilot signal strength to a particular threshold to determine if the pilot signal should be added to the active set where different thresholds are used depending on the number of stations in the active list such that a more stringent condition is applied when a greater number of stations are in the active list.

Applicant further asserts that Chheda's thresholds are not "added to an 'active list.'" However, Examiner never asserts that the thresholds are added to the active list. Examiner requests that Applicant direct Examiner to a specific passage in the Final Rejection if Applicant wishes to pursue this argument.

Applicant goes on to assert that Chheda does not "compare the active list of a first number of base station (sic) and the active list of a second number of base stations as taught in Applicant's invention." Here Examiner is confused since Applicant never discloses comparing the active list of a first number of base stations and the active list of a second number of base stations. Rather Applicant teaches using a more stringent condition for a first number of stations in an active list than a condition for a second number of stations in the active list. Therefore, Examiner has interpreted the "compared to" language in the claim as relating how stringent the condition is for different numbers of base stations in the active list rather than actually referring to a comparison of the lists themselves. Again, Examiner requests further clarification if Applicant wishes to pursue this argument.

Finally, Applicant asserts with respect to claim 5 that Examiner has provided a broad conclusory statement about the teachings of the references. Examiner, respectfully, disagrees. Examiner has outlined why Examiner believes it would have been obvious for one of ordinary skill in the art at the time of the invention to use absolute rather than relative signal strengths for the comparison. Examiner submits that Applicant has misunderstood Examiner's rejection when Applicant asserts that the alleged modification will require more power to the signal and/or processing requirement. Examiner merely is stating that it would have been obvious to have an additional threshold in order to allow for more stringent requirements when the number of stations in the active list increases (which is taught by Chheda) where the thresholds are measured in absolute rather than relevant terms (which is only suggested by Chheda). Examiner submits that making a comparison based on absolute rather than relative measurements will not require vastly greater processing capabilities.

For the above reasons, Examiner maintains that the claims are obvious given the cited prior art.